

**WILLMAR CITY COUNCIL PROCEEDINGS**  
**COUNCIL CHAMBERS**  
**WILLMAR MUNICIPAL UTILITIES BUILDING**  
**WILLMAR, MINNESOTA**

April 4, 2016  
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Denis Anderson, Audrey Nelsen, Ron Christianson, Rick Fagerlie, Shawn Mueske, and Andrew Plowman. Council Members Steve Ahmann and Tim Johnson were excused from the meeting. Present 7, Absent 2.

Also present were City Administrator Larry Kruse, City Clerk Kevin Halliday, Community Education and Recreation Director Steve Brisendine, Public Works Director Sean Christensen, Fire Chief Frank Hanson, Planning and Development Services Director Bruce Peterson, Police Captain Michael Anderson and City Attorney Robert Scott.

As an addition to the agenda, Mayor Calvin asked to add a Work Session for Local Option Sales Tax as an agenda item at the end of the meeting.

Council Member Anderson offered a motion to adopt the Consent Agenda which included the following items: City Council Minutes of March 21, Willmar Municipal Utilities Board Minutes of March 28, Airport Commission Minutes of March 30, Accounts Payable Report through March 30, Building Inspection Report for March, 2016, Willmar Community and Activity Center Minutes of February 5 and March 11 and CER Joint Powers Board Minutes of March 30, 2016 and Committee Application for Appointment of Dan Anderson to the Zoning Appeals Board. Council Member Plowman seconded the motion which carried.

There was no one signed up to speak during the Open Forum. Mayor Calvin did present a letter written by Steve Gardner who was unable to attend the meeting. Mayor Calvin paraphrased the letter stating for the record Mr. Gardner's opposition of changing the City Council meetings from 7:00 to 5:00 p.m. He feels it is anti-family and anti-citizen.

Community Education and Recreation Director Steve Brisendine came before the Council to present the consideration of the professional services agreement with SRF Consulting Group for the Rice Park Project which was requested to be brought back before the Council. Mr. Brisendine introduced Stuart Crosby, the landscape architect with SRF Consulting who has teamed with Engan and Associates who discussed their individual roles in the Rice Park Project. Stuart Crosby and Richard Engan came forward to overview the project and answer questions of the Council. Mr. Stuart stated this project has two distinct service needs, one being "outside of the building" and the other "inside of the building." SRF will be working on several phases, design, development, construction documents and construction assistance for all of the elements outside of the building such as the walkways, coordination with the splash pad vendor, and to assure all the services on the "outside" dovetail seamlessly with the "inside" of the building. He overviewed design development, construction documents and construction administration.

Richard Engan of Engan and Associates then presented the services that the architect would be performing which include the building design and coordination with the landscape concept, mechanical and electrical engineering and plumbing connections. The Council was invited to ask questions following their presentations.

Resolution No. 1 was introduced by Council Member Nelsen, seconded by Council Member Anderson, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 5, Noes 0, and 1 Abstaining. Council Member Christianson abstained.

RESOLUTION NO. 1

WHEREAS the City of Willmar desires to retain a firm to provide professional services for the Rice Park Improvements Project; and

WHEREAS a proposal has been made by the firm of SRF Consulting Group, Inc. at an estimated cost of \$56,827.00;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that said proposal be accepted and that the Mayor and City Administrator be authorized to execute an agreement on behalf of the City for the same.

Dated this 4th day of April, 2016.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

The Finance Committee Report for March 28, 2016 was presented to the Mayor and Council by Council Member Anderson. There were five items for consideration.

Item No. 1        There were no comments from the public.

Item No. 2        Staff explained to the Committee the need for a Document Management System for the City for the purpose of archiving and preserving documents and information. By State Statute, the City must retain many documents for various periods of time with many of these items, such as council minutes, required to be kept in perpetuity. An additional benefit would be increased staff workflow efficiency because an electronic document imaging system would provide easy access by employees to essential documents rather than researching the information either in the physical storage areas or by interrupting other departments to track down the information. Staff has explored multiple systems and has determined that a Laserfiche System through OPG3, Inc., at a cost of \$41,000 is the best suited for the City's needs. Previous Council action authorized the use of City funds for this project but authorization for the Mayor and City Administrator to execute the agreement is also needed. The Committee was recommending the Council introduce a resolution to authorize the Mayor and City Administrator to enter into an agreement with OPG3, Inc., in the amount of \$41,000 for implementing the Document Management System.

Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Christianson, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 2

DOCUMENT MANAGEMENT APPROVAL

WHEREAS, the City of Willmar needs to purchase a Document Management System for archiving, preserving, auditing, and for increasing staff workflow efficiency and;

WHEREAS, the City of Willmar has explored multiple systems and vendors and has determined that the vendor OPG3 Inc. is best suited for the City's needs;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the Mayor and City Administrator be authorized to enter into an agreement with OPG3 Inc. in the amount of \$41,000 for implementing the Document Management System.

Dated this 4th day of April, 2016.

/s/ Marv Calvin

Mayor

/s/ Kevin Halliday

Attest: City Clerk

Item No. 3 Staff reviewed with the Committee the proposed Fire Protection Contract with Willmar Township. The state-wide formula used to calculate the amount due from the Township is based on information from the previous year, which includes operating costs of the Fire Department, depreciation of the fire station and equipment, the number of firefighter hours used and market values of the area covered in Willmar Township. It was noted that the amount of the contract is down substantially from last year due to the reduced number of fire calls. The Committee was recommending the Council introduce a resolution authorizing the Mayor and the City Administrator to execute the agreement as presented in the amount of \$16,380.64.

Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 6, Noes 0.

### RESOLUTION NO. 3

WHEREAS Willmar Township annually contracts with the City of Willmar Fire Department for fire protection services; and

WHEREAS it is the established practice of the City of Willmar to use a statewide formula to calculate the Township cost sharing proposal;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that the Mayor and City Administrator be authorized to execute the fire protection agreement with Willmar Township for the period 04/01/16 – 03/31/17 in the amount of \$16,380.64.

Dated this 4th day of April, 2016.

/s/ Marv Calvin

Mayor

/s/ Kevin Halliday

Attest: City Clerk

Item No. 4 Staff explained to the Committee that the City of Willmar has been approached by an ownership group interested in leasing the Civic Center Cardinal Arena for use by a Tier 3 Junior Hockey Team. The lease would include approximately 200 hours of ice time for practices, ice usage for 22 home games, locker room and office space for a preliminary estimate of \$40,000 per year. In addition, the team is proposing to pay the City \$8,000 annually for advertising in the Cardinal Arena facility. The final contract is still being worked out but a draft copy has been sent to the City Attorney for his review. Once the final numbers are known, the final lease agreement will be sent to Attorney Scott again for his approval. It was noted there may be some scheduling issues to work out with high school hockey games but staff does not believe this agreement will negatively impact any current users and most likely will have a positive impact on all users and overall use of the Civic Center. Local groups, such as the Willmar Hockey Association, have indicated their support of having a Junior Hockey Team in Willmar. Fiscally, it is anticipated that costs will increase at the arena due to the increased usage; however, it is believed that the additional revenues generated should offset the applicable increase in expenditures. Council Members requested that the owners be present at the next Council Meeting and that a detail be provided of how the lease amounts were determined as well as copies of the letters of support from the various local groups. The Committee received this for information.

Mayor Calvin asked if the Council would care to take action on the lease agreement at this point in the meeting. It was the consensus of the Council to address the lease agreement at this time. Community Education and Recreation Director Steve Brisendine stated there is an ownership group that would like to use the Civic Center Cardinal Arena starting in September for a Junior Hockey Team. Staff has worked out a financial and usage arrangement for a period of one year and recommends the City enter into a lease agreement with a 90-day notice from either party to terminate the lease. The financial aspects of the use of the facility were discussed. Conflicts with dry-floor events were discussed with staff currently being confident that dry-floor event users would be able to keep the current dates they have been using. Rental rates were discussed as well as revenues from concessions sales. It was noted a few changes will be made to the draft lease by City Attorney Robert Scott.

Resolution No. 4 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 6, Noes 0.

#### RESOLUTION NO. 4

WHEREAS the City of Willmar desires to enter into a Lease Agreement with The Blizzard, LLC d/b/a the (Team) and Chris Canavati and Mitri Canvati, Individually (Tenant) for the rent of ice time and certain related facilities of the Willmar Civic Center Arena for (Team) hockey games, including administrative office space and locker room facilities; and

WHEREAS an agreement has been prepared detailing the terms of the lease;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that said agreement be approved and that the Mayor and City Administrator be authorized to execute the same.

Dated this 4th day of April, 2016.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 5 The Committee received the following reports: 12/31/15 Rice Trust Fund and Moody's Investors Service Credit Rating. Discussion included a request for a ten-year history of Willmar's tax base which staff will provide from the annual assessing reports. This matter was received by the Council for information only.

The Finance Committee Report for March 28, 2016, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Fagerlie, and carried.

The Public Works/Safety Committee Report for March 29, 2016 was presented to the Mayor and Council by Council Member Christianson. There were six items for consideration.

Item No. 1 No public comments were made.

Item No. 2 Fire Chief Frank Hanson noted the jail census for March 29, 2016 was 124; 39 inmates from the Department of Corrections, 77 inmates from Kandiyohi County, 4 inmates from Swift County, 1 inmate from Lac Qui Parle County, 1 inmate from Redwood County, and 2 inmates from Stevens County. The calls for service the previous two weeks totaled 716 and are 10 days ahead of this date last year. The majority of the calls for the previous two weeks were for traffic stops, followed by public assists and crashes.

Fire Chief Hanson noted the total Fire Department calls for service for the previous two weeks totaled 13. The calls included 5 alarm activations, 4 car accidents, 1 grass fire, 1 cooking fire, and 2 house fires. Year to date calls for 2016 totals 80, and is 5 calls down from this time last year. A controlled house burn at 621 6<sup>th</sup> Street SW is scheduled for 7:00 am on April 16<sup>th</sup> as a training class for area firefighters through Ridgewater College.

Item No. 3 Staff brought forth, for information, an update on the Grass Lake restoration project from Mr. Engelby. The project entails rerouting ditches and restoring a portion of the lake to control the amount and quality of water flowing downstream. Discussion included design constraints, the restoration plan, design analysis, funding and project features. Other areas with stormwater concerns were noted and potential areas for storage were discussed.

Item No. 4 Staff brought forth, for approval, the agreement with In-Control for material and professional services for the Country Club Drive Lift Station. Quotes were obtained for the electrical equipment, adjustable speed drives, and motor control center. The professional services include the modifications to the motor control center and building the control panel. The Committee was recommending the Council approve the agreement with In-Control for materials and professional services for the Country Club Drive Lift Station in the amount of \$69,834.00.

Resolution No. 5 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 6, Noes 0.

#### RESOLUTION NO. 5

WHEREAS the City of Willmar desires to retain a firm to provide materials and professional services for the Country Club Drive Lift Station Project; and

WHEREAS a proposal has been made by the firm of In-Control, Inc. at an estimated cost of \$69,834.00;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that said proposal be accepted and that the Mayor and City Administrator be authorized to execute an agreement on behalf of the City for the same.

Dated this 4th day of April, 2016.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 5 Staff brought forth, for approval, the resolution revising the designation of County State Aid Highway No. 23 within the corporate limits of the City. Kandiyohi County revoked the current designation and established it as the intersection of the highway and 22<sup>nd</sup> Street SW westerly and northerly to the intersection of County State Aid Highway No. 5 and then terminated. The Committee discussed future State Aid funding on the extension of the street in the future. The Committee was recommending the Council adopt the resolution revising the designation of County State Aid Highway No. 23 within the corporate limits of the City.

Resolution No. 6 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 6

MUNICIPAL CONCURRENCE OF CSAH DESIGNATION

WHEREAS, the County Board of the County of Kandiyohi did adopt resolutions on March 15, 2016, revising the designation of County State Aid Highway No. 23 within the corporate limits of the City of Willmar, as follows:

REVOKING

Beginning at the intersection of County State Aid Highway No. 23 and 22<sup>nd</sup> Street SW, thence Westerly approximately 1,280 feet and there terminating.

ESTABLISHING

Beginning at the intersection of County State Aid Highway No. 23 and 22<sup>nd</sup> Street SW, thence Westerly and Northerly to the intersection of County State Aid Highway No. 5 and there terminating.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Willmar that said revision is in all things approved.

Dated this 4th day of April, 2016.

/s/ Marv Calvin  
Mayor

/s/ Kevin Halliday  
Attest: City Clerk

Item No. 6 Staff brought forth, for information, an update on stormwater management improvements and additions over the last four years. Individual projects were discussed as well as storm drainage upgrades within street improvement projects. The Council received this for information only.

The Public Works/Safety Committee Report for March 29, 2016, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded by Council Member Fagerlie, and carried.

The Community Development Committee Report for March 31, 2016 was presented to the Mayor and Council by Council Member Fagerlie. There were five items for consideration.

Item No. 1 Ron Davis spoke to the Committee about the sex offender residency ordinance. He offered clarity on levels of sex offenders. He added that he thought the system would be fairly simple for the Police Department to enforce.

Item No. 2 Aaron Backman, EDC Director, presented information about the State of Minnesota Shovel- Ready Certification Program. He was requesting that the City participate in the program for that portion of the Industrial Park west of County Road 5, known as Willmar Industrial Park 4<sup>th</sup> Addition. The information required to have the park certified by an independent third party includes an ALTA survey, information about infrastructure, geo- technical data, and utility information. The process concludes by a visit from a certified professional site selector, who will formally certify this site as "shovel-ready". Mr. Backman said that the EDC Board has allocated funds to cover a portion of the cost of certification. He requested that City participation in the program include funds to cover the cost of professional services to be split equally between the City and EDC. Those professional services include the ALTA survey, soil borings, and environmental assessment, estimated at a cost of \$13,160.00. Staff had suggested that some land west of the industrial park be included in the certification due to the upcoming access by the rail spur. If the certification area boundary were expanded, costs could increase. It was noted that 30 plus cities are currently certified in the State of Minnesota. Mr. Backman believes that the certification would benefit marketing efforts. The EDC

will develop the print and on-line materials to market the industrial park once the shovel-ready certification is obtained. The \$3250 application fee has been approved to be paid by the EDC.

The Committee was recommending the to the Council that the City participate in the Shovel-Ready Program along with the EDC, with a City contribution in the amount of \$6,580 plus 50% of the additional cost due to any expansion of the geographic certification area. EDC Executive Director Aaron Backman presented costs estimates for approximately 86 acres at \$2,893 to be split 50/50 with the City's share being approximately an additional \$1,446.50. It was noted if the area was extended another 101 acres to the west along Highway 40 that would add \$8,026.50 to the total cost.

Resolution No. 7 was introduced by Council Member Fagerlie, seconded by Council Member Anderson, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 6, Noes 0.

#### RESOLUTION NO. 7

BE IT RESOLVED by the City Council of the City of Willmar, that the City participate with the City of Willmar/Kandiyohi County Economic Development Commission in seeking State of Minnesota Shovel Ready Certification.

The City's cost for professional services in this process are estimated to not exceed \$8,026.50.

Dated this 4<sup>th</sup> day of April, 2016.

/s/ Marv Calvin

Mayor

/s/ Kevin Halliday

Attest: City Clerk

Item No. 3 Staff presented a draft of protective covenants for the Industrial Park 3<sup>rd</sup> and 4<sup>th</sup> Additions. The purpose of the covenants is to protect the value of the development, to maintain the integrity of the industrial park, and to assure some continuity and consistency in visual standards for development in the park. City Administrator Kruse stated that in his experience covenants are beneficial to all industrial park property and business owners. Staff suggested that it would be preferable to have the covenants adopted before any real estate is formally transferred. If the covenants are in fact approved by the Council, staff will record the covenants so that they are part of any title work performed for any industrial park properties.

The Committee was recommending that the City Council approve the Industrial Park Covenants as presented. Council Member Fagerlie moved the recommendation of the Committee. Council Member Christianson seconded the motion, which carried.

Item No. 4 Staff informed the Committee that this item had been placed on the agenda as an opportunity for staff to answer questions about the maps, and to serve as a placeholder in case the matter (which had previously been tabled) was removed from the table for discussion by the full Council. The Council received this for information with Mayor Calvin suggesting it not be pulled from off the table as one of the key supporters, Council Member Johnson, was absent at this time.

Item No. 5 Staff clarified some points regarding the Wye project. In a previous meeting, it had been noted that the value engineering option was the preferred alternative for the Highway 12 route. This was not meant to suggest that it was the adopted alignment, rather it is the alignment preferred by the partners. The final alignment will not be determined until the environmental review process is completed.

The Committee briefly discussed access to the new school, both vehicle and pedestrian.

A response from City Attorney Robert Scott regarding property owner's responsibility for insect infestations was briefly discussed. The owners of multi-unit buildings have the responsibility for mitigating infestations, but are not prohibited from passing those costs on to the tenants.

The Committee discussed future meeting dates. There has been a continual issue with getting the minutes out on a Friday and not being part of the overall Council packet. It was proposed that the Committee meet the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of the month, rather than the 2<sup>nd</sup> and 4<sup>th</sup> Thursdays. It was suggested that the committee structure as a whole needed to be reevaluated and that the Council should reconsider the concept of a work session in place of individual committee meetings.

The Community Development Committee Report for March 31, 2016, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Fagerlie, seconded by Council Member Christianson.

Council Member Anderson presented for discussion consideration of the best way to utilize the Council's time and consideration be given to developing work sessions. Council Member Christianson commented on abolishing the committee structure stating the Council discussed this in the past and decided to keep the committee structure and referred to committees in the parliamentary book. He opined the committee structure allows greater freedom of discussion, more time being available for each subject and informal procedure can be used. He stated he is in favor of keeping the committee structure. Mayor Calvin rebutted he felt what Council Member Christianson was referencing was the description on what committees are called and he believes the standard operating procedures do not state the Council has to follow a committee structure. Council Member Mueske suggested this topic be referred to the Community Development Committee for discussion. The motion to file the minutes of the Community Development Committee carried.

City Clerk Kevin Halliday presented for the Council's consideration four amendments to the Willmar City Charter recommended by the Charter Commission. City Attorney Robert Scott has recommended that each section stand as a separate ordinance to avoid defeating a multiple section amending ordinance when a Council objection is voiced on one section only. It was recommended to the Council by staff to make one motion setting four separate hearings for the April 18, 2016 Council meeting. Council Member Anderson moved the recommendation of staff. Council Member Fagerlie seconded the motion, which carried.

City Clerk Kevin Halliday then presented for consideration the On-Sale Liquor License Renewal for the Kandi Entertainment Center. The term of the licenses is from April 25, 2016 to April 25, 2017. It was staff's recommendation to approve and submit to the State of Minnesota. A motion was made by Council Member Fagerlie to approve the renewals. Council Member Anderson seconded the motion, which carried on a roll call vote of Ayes 6, Noes 0.

City Administrator Larry Kruse presented for Council consideration that beginning May 2, 2016, the regular semi-monthly meetings of the City Council be held at 5:00 p.m. on the first and third Mondays of each month through January of 2017 with the exception of the months of July and September where the Council meeting shall be held on Tuesday, July 5<sup>th</sup> and Tuesday, September 6<sup>th</sup> at the Council Chambers. The recommended time change was not considered due to lack of a motion from the Council.

Announcements for Council Committee meeting dates were as follows: Public Works/Safety, 4:45 p.m. at City Hall, April 12; Labor Relations, 4:45 p.m. at City Hall, April 13, 2016.

Mayor Calvin recommended the Council consider a Local Option Sales Tax Work Session on either Monday or Thursday of next week. Mayor Calvin and City Administrator Kruse would like to update the Council on projects being considered by staff. It was the consensus of the Council to meet on Monday, April 11<sup>th</sup> at 4:45 p.m. in the Council Chambers.



Council Member Fagerlie offered a motion to adjourn the meeting with Council Member Mueske seconding the motion, with carried. The meeting adjourned at 8:53 p.m.

Attest:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
SECRETARY TO THE COUNCIL